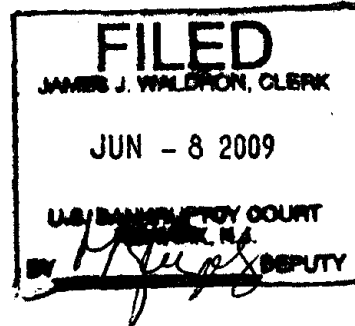


UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

GMAC-1290
PHELAN HALLINAN & SCHMIEG, PC
By: Jennifer Novick JN2743
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Attorneys for Litton Loan Servicing, LP as servicing agent for
Deutsche Bank Trust Company Americas fka Bankers Trust
Company, as Trustee

In Re:

John Wallace
Alethia Wallace



Case No.: 07-23607-RG

Hearing Date: May 20, 2009

Judge: Rosemary Gambardella

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

6-8-09 USBT

Applicant: Litton Loan Servicing, LP as servicing agent for Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee

Applicant's Counsel: Phelan Hallinan & Schmieg, PC

Debtor's Counsel: Stephen B McNally

Property Involved ("Collateral"): 76 East Shore Lake Owassa Road, Frankford Twp, NJ, 07860

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 2 months, from April 2009 to May 2009.

☒ The Debtor is overdue for 2 payments at \$ 1,737.33 per month.

☐ The Debtor is assessed for late charges at \$ per month.

☒ Applicant acknowledges funds in suspense in the amount of \$ 1,622.31.

Total Arrearages Due \$ 1,852.35.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$ 115.02. Payment shall be made on or before June 4, 2009.

☒ Beginning on June 1, 2009, regular monthly mortgage payments shall continue to be made.

☐ Beginning on , additional monthly cure payments shall be made in the amount of \$ for months.

☒ The amount of \$ 1,737.33 shall be capitalized in the debtor's Chapter 13 plan.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Litton Loan Servicing
4828 Loop Central Drive
Houston, TX 77081-2226

☒ Regular Monthly payment:

Litton Loan Servicing
4828 Loop Central Drive
Houston, TX 77081-2226

☒ Monthly cure payment:

Litton Loan Servicing
4828 Loop Central Drive
Houston, TX 77081-2226

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$350.00, and costs of \$ 150.00.

The fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within ___ days.

☐ Attorneys' fees are not awarded.